

876
Extracted from the Morning Chronicle,
June, 1st. 1793

THE
S P E E C H
OF
JOHN WHARTON, Esq. M. P.
— K
IN THE HOUSE OF COMMONS,
ON
HIS MOTION ON THE CONSTITUTION;

PRINTED BY ORDER OF THE
LONDON CORRESPONDING SOCIETY.

[And distributed Gratis]



M O T I O N

ON THE

CONSTITUTION.

MR. WHARTON rose to make his promised motion. We heard, he said, on every side, of the glorious Revolution in 1688, and of the Constitution, as settled at the glorious Revolution.

It was a note which he had always listened to with pleasure, and he repeated it himself with rapture.

But what was the rational foundation of our satisfaction at the recollection of the glorious Revolution?

It assuredly was not that the possession of the throne, and the regular hereditary succession to it, were at that time disturbed and interrupted.—It was not that we expelled *one* king and *one* family, and appointed *another* king and *another* family in their room.—The necessity of such changes was at all times to be *deplored*; and the events themselves could only be justified by the *necessity*.

The only rational foundation of our approbation of that Revolution *must* be, at that time such principles were confirmed, and such wise and wholesome provisions made for our constitu-

tional security and happiness, as might prevent all future necessity for a *similar* Revolution.

Whoever approved of that Revolution declared at the same time, that the constitutional provisions then obtained were wise and wholesome provisions; that they were *worthy* objects of a national struggle; that they not only *justified* resistance but made it *meritorious*; and that they were *cheaply* purchased at the price of all the blood that was shed upon the occasion, as well as the dethronement of a *guilty* king and the extirpation of his *guiltless* family. But an approbation of that Revolution went still farther. It declared that if, by *any* means,—by force or by fraud, by violence or by corruption—if these wholesome and necessary constitutional provisions should by any means be taken away or frustrated, the same objects would again justify the same national struggle, and the same extremities, unless they could be recovered and re-obtained by more gentle, more peaceful, and therefore more happy means.

He asserted (and said he risked nothing by the assertion, for no man would be hardy enough to deny it, and he pledged himself to *prove* it in a Committee of the House) that all that was valuable to the people of this country, all the provisions which were stipulated to secure the peace and prosperity, the individual liberty, and the general property of the people of this land, had all been, since the Revolution, taken away—All!

He must intreat the attention of the House for a few moments, whilst he very briefly brought back to their recollection what this country established by the Revolution.—First, To avoid all future mistakes and that the contract between
Prince

Prince and People might be clearly understood, the Revolutionists began by altering the oaths of the contracting parties. They altered the Coronation Oath for all future sovereigns in this realm; and they altered the Oath of Allegiance for themselves and for all future subjects. They cut up by the roots the damnable doctrine of *passive obedience and non-resistance*, by *emphatically* specifying and ordaining the following words of their former oath, 1st W. and Mary, ch. 8. "I declare that it is not lawful upon any pretence whatever to take up arms against the King," &c. &c. should not from thenceforth be required or enjoined.

It was not so much to relieve the conscience of the subjects that these words of their former oath were selected, recited and abolished; for no oath of slavery ever did, or ever will, or ever ought to bind a nation or an individual. It was something worse than perjury or sacrilege to keep an oath of slavery. This alteration was made to prevent the future sovereigns of this country from being misled, as the four preceding sovereigns had been, to trust to a senseless superstition about *Royalty*, which though many persons for their interests have professed, no man of common sense ever entertained.

Their next care was to provide for the due administration of the Executive Power, and the responsibility of its confidential advisers. They therefore enacted that, 12th William III. ch. 2, "All matters and things relating to the well governing of this kingdom, which are cognizable in the Privy Council by the laws and customs of this realm, *shall be transacted there;* and all resolutions taken thereupon *shall be signed by such of the Privy Council as shall advise*"

“ wise and consent to the same.” Thereby guarding, as far as laws could guard, against that accursed engine of despotism, *a Cabinet Council*, or that more accursed instrument, *an Interior Cabinet*.

Their attention was next directed to the *double* representation of the people; the only possible security for all their other provisions—their Representatives in Courts of Justice—the House of Commons and Juries. They passed over untouched, and left as they found them, the Nobility and the Church; they were considering the solid and substantial parts of the constitutional edifice, and did not much concern themselves about the *gilding* and the *varnish*. They therefore proceeded to establish the principle of a *fair* and *free*, and *frequent* election of the Representatives of the Commons in Parliament, as might be seen by a reference to the Acts passed in the first and second, and third years of William and Mary.

And having thus, as they imagined, provided for the *real* election of the representative body in parliament, they secured the independence and integrity of that body after its election, by enacting, that— “ No person who has an office, or place of profit under the King, or receives a pension from the Crown, shall be capable of serving as a Member of the House of Commons.” 12 W. III. ch. 2.

Having thus secured the purity and independence of the people’s representatives in parliament, they proceeded to the other important branch of their representation by Jury; and they decreed, that Juries should be fairly taken, without partiality; and should act freely, without influence. 1st W. and Mary, ch. 2d. They also decreed,

decreed, that *excessive bail* should not be required; that *excessive fines* should not be imposed; and that *illegal* and *cruel* punishments should not be inflicted: and to secure these objects they ordained, that thenceforward the Judges' commissions should be made, "*quam diu se bene gesserint*, and that their salaries should be ascertained and established;" in order to make the Judges independent of the Crown. 12th W. III. ch. 2.

Now, all these provisions, (the objects and consequences of the glorious Revolution) would have no value they would be nugatory and worthless; they would be a mockery; unless they went effectually to obtain and secure to the people of this land, these three important points: First An honest and *responsible* exercise of the *Executive Authority*—Secondly, *Real*, independent, and faithful Representatives of the Commons in Parliament.—Thirdly, A fair and impartial administration of justice in the Courts of Law. We who had no predilection for *any* family whatever (except as connected with these objects); in the words of our Ancestors at the time of the Revolution, did now again—" *Claim, demand, and insist* upon all those as our undoubted *Rights*: "*the true, antient and indubitable rights and liberties of this kingdom.*" 1st W. & M. ch. 2.

If then, by various means it had happened, (as he asserted and undertook to prove in a committee of this House) that this provisional responsibility of the Privy Council no longer remains; that the election of the House of Commons, is neither *fair* nor *free*, nor *frequent*; that this provisional independence of its members is gone, and that the House at present *swarms* with "Persons having offices and places of profit under the king, and receiving pensions from the crown;" That Juries are not fairly and impartially taken; that

that they do not act freely and without influence; that excessive bail may be and has been required that excessive fines may be and have been imposed; that illegal and cruel punishments may be and have been inflicted; that the Judges are not independent of the Crown; that Pensions may and have been granted to some of them; and that lucrative offices may be and have been conferred upon others: by which means it cannot be said that their salaries are ascertained and established.

If these facts were so, he held it to be the duty of all those who, without hypocrisy, praised the Revolution, to endeavour to return us again to our constitutional situation at that period, and to recover those lost or neglected provisions, that so we might effectually secure to ourselves and to our posterity, what our ancestors endeavoured at the Revolution to secure to themselves and to us.

He concluded with moving, " That a Committee be appointed to inquire, whether any, and which of the provisions made by Parliament in the reign of William and Mary, and in the reign of William the Third, for securing the responsible exercise of the Executive authority, for securing a real, independent and faithful representation of the Commons in Parliament; and for securing a fair and impartial administration of justice in the Courts of Law; whether any, and which of these have by any means been invalidated or taken away: And to consider, whether any, and which of those lost or invalidated provisions may be fit to be re-enacted and restored, in order that the people of this land may recover that situation and security in which they were placed by the glorious Revolution in 1688."

For the Motion 11. Against it 71.

